

Language Commission Act, 2074 (2017)

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Act No. 40 of the year 2017 (2074)

An Act made to make arrangements relating to Language Commission

Preamble: Whereas, it is expedient to make legal arrangement with regard to the functions, duties, powers and procedures of the Language Commission,

Now, therefore, be it enacted by the Federal Parliament pursuant to Article 296 sub-article (1) of the Constitution of Nepal.

Chapter-1

Preliminary

1. **Short Title and Commencement:** (1) This Act may be called "Language Commission Act, 2017 (2074)."

(2) This act shall come into force immediately.

2. **Definitions:** Unless the subject or the context otherwise requires, in this Act, -

- (a) "Chairperson" means the Chairperson of the Commission.
- (b) "Commission" means the Language Commission established under Article 287 of the Constitution.

- (c) "Prescribed" or "As prescribed" means laws prescribed or as prescribed under the Rules framed under this Act.
- (d) "Member" means the member of the Commission and the word also includes the Chairperson.
- (e) "Constitution" means the Constitution of Nepal.

Chapter-2

Power, Functions, Duties and Procedures of the Commission

3. **Power, Functions and Duties of the Commission:** The power, function and duties of the Commission in addition to the power, function and duties of the Commission prescribed in sub-article (6) of Article 287 of the Constitution shall be as follows: -

- (a) to identify the mother tongue languages spoken in Nepal,
- (b) to make recommendations to the Government of Nepal regarding the policy or institutional measures to be adopted by the Government of Nepal, State Government or Local Level Government for the protection, promotion and development of the mother tongue languages spoken in Nepal,
- (c) to formulate necessary programs for the protection, promotion and development of the mothertongue languages spoken in Nepal and their script, and to make recommendations to the concerned agencies to implement them or cause them to be implemented,

- (d) to conduct study and research on the languages of the mother tongue spoken in Nepal and their history and to publish them,
- (e) to publish books and to make recommendations to the concerned agencies for the publication of books for the protection, promotion and development of the languages of the mother tongue and scripts of various communities,
- (f) to conduct study and research to make languages of the mother tongue spoken in Nepal technology friendly and to make recommendations to the concerned agencies for the adoption of appropriate measures,
- (g) to make lists of language experts of National language.

4. **May obtain opinion and consultations:** The Commission may receive opinions and seek consultations from any constitutional organ, government office or public entity, with relation to its functions and duties.
5. **May obtain service of experts:** The Commission may receive services from experts, pursuant to the federal law by stating the reasons thereof, if the human resource employed within the Commission is unable to perform any work that the Commission is required to perform as per this Act and prevailing federal law.
6. **May form committee or working group:** (1) The Commission may form a committee or working group with the purpose of performing specific tasks relating to the Commission, by formulating a procedure.

(2) The terms or scope of operation of the committee or working group formed pursuant to sub-section (1), shall be as prescribed by the Commission at the time of its formation.

7. **Coordination and Cooperation:** The Commission may on the basis of necessity, coordinate and cooperate with government agencies or public entities.

Chapter-3

Power, Function, Duties, Remuneration and Facilities of the Chairperson and Members

8. **Power, Function and Duties of the Chairperson:** (1) The Chairperson shall be the chief official of the Commission. Every act, action of the Commission shall be conducted on the basis of the general direction and supervision of the Chairperson.

(2) In addition to the power, function and duties contained elsewhere in this Act, the Chairperson shall have the following power, function and duties: -

- (a) to coordinate the work of the Commission,
- (b) to maintain a leadership role in the work that the Commission has to perform,
- (c) to supervise and maintain general caretaking of the financial administration, human resource management and management of the office of the Commission,

(d) to perform or cause to perform other activities as prescribed.

9. Remuneration and Facilities: (1) The remuneration and other facilities of the Chairperson and Members shall be as provided for by the Government of Nepal.

(2) The remuneration and other facilities fixed pursuant to subsection (1) shall not, so long as the Chairperson and member hold office, be altered to their disadvantage.

(3) A person who is a recipient of the pension of the Government of Nepal appointed as the Chairperson or Member, shall receive only one, either the pension or the remuneration to be received for the current post, so long as they hold the office.

Chapter- 4

Operation of the Commission

10. Office of the Commission: The office of the Commission shall be established in the Kathmandu Valley for the operation of work of the Commission.

11. Meeting of the Commission: (1) The meeting of the Commission shall decide the activities to be performed by the Commission, in accordance with this Act.

(2) The meeting of the Commission shall be held on such a date, time and venue as prescribed by the Chairperson, based on necessity.

(3) The Secretary of the Commission shall finalize and notify all members of the date, time and venue of the meeting along with a list of the agenda to be discussed in the meeting, at least 48 hours prior to the meeting.

(4) Any member interested to discuss additional issues, not included within the list of agenda set to be discussed within the meeting pursuant to sub-section (3), shall notify the Secretary of the additional issues and reason for their introduction to the meeting 24 hours prior to the meeting. Upon receipt of such information, the Secretary of the Commission shall notify all members and such issues shall be considered to have been included in the list.

(5) Notwithstanding anything stated in sub-sections (3) and (4), an issue not included within the list may be introduced and decided by the Commission, with the agreement of all members present in the meeting.

(6) The quorum of the meeting shall be deemed to have been fulfilled with the presence of more than 50 percent of the immediate members of the Commission.

(7) The meeting of the Commission shall be chaired by the Chairperson of the Commission.

(8) The decision of the majority shall be the decision of the Commission and in case of a tie, the Chairperson shall give a decisive vote.

(9) The Secretary of the Commission shall create a depository of the decision of the Commission, authenticating it with the signatures of the Chairperson and Members.

(10) The seniormost official of the Commission shall act as the Secretary of the Commission in the meeting of the Commission.

(11) Other procedures related to the meeting of the Commission shall be as determined by the Commission.

12. Not to take part in the decision making in case of conflict of interest:

If any member of the Commission has any interest, concern or benefit arising from any issue under consideration in the Commission or if the near relatives of such persons stand to benefit directly or indirectly, such member should give prior information to the Commission regarding such matters and the member shall not take part in the decision making process concerning such matter in the Commission.

13. Work Division: The division of the work of the Chairperson and Member shall be as determined by the Commission.

14. Work to be performed as an acting: The senior most Member of the Commission, shall work as the acting Chairperson, if the position of the Chairperson falls vacant due to any reason, is suspended, has gone for a foreign visit or is on leave for more than 7 days.

15. Work, performance of the Commission not to be interrupted: The vacancy of posts of the Chairperson and/or any Member shall not interrupt the works of the Commission.

Chapter-5

Miscellaneous

- 16. Organizational Structure and Employees of the Commission:** (1) The organizational structure and appointment of employees of the Commission shall be as approved by the Government of Nepal.
- (2) The Government of Nepal shall make available the employees necessary for the Commission to perform its work.
- 17. Oath:** The members appointed after this Act comes into force, shall take an oath before the Chief Justice as set forth in the Schedule.
- 18. Conduct of Post to be adhered:** The conduct of the post to be adhered by the Chairperson and Members of the Commission shall be as follows:
- (a) to perform the responsibilities of the post, independently, impartially and honestly,
 - (b) not to commit any act that would create discord in the relationship between different ethnicities, communities and identities.
- 19. Cooperation to be extended:** It shall be the duty of any agency or official with which the Commission seeks assistance, to cooperate with the Commission in course of the performance of its functions.
- 20. Power to write for assistance:** If the Commission finds that any agency or official has not made available assistance necessary to the Commission, it

may write to the higher agency or official above such agency or official for assistance in the matter.

21. Annual report: (1) The Commission shall submit an annual report of the work and activities performed by the Commission, to the president within three months of the date of expiry of the fiscal year.

(2) The report made pursuant to sub-section (1) shall *inter-alia*, include the following matters, in addition to other details: -

- (a) Details of implementation of annual programs of the Commission and expenses incurred,
- (b) Details of suggestions, recommendations given by the Commission to Nepal Government or any other agency,
- (c) The status of the implementation of the suggestions, recommendations given in accordance to clause (b),
- (d) Situation of physical and economic resources of the Commission and their utilization,
- (e) Details of other activities performed by the Commission in course of fulfilling the responsibilities required to be performed by it, in accordance to this Act.

22. Liaison with Government of Nepal: The Ministry of Culture, Tourism and Civil Aviation shall liaise the Commission with the Government of Nepal.

23. **Delegation of Power:** The Commission may delegate some authority accorded to it by this Act, as per necessity, with set conditions for its use and adherence, to the Chairperson, Member, Government of Nepal, State Government, official employee of any agency or Local Government.

24. **Power to frame rules:** (1) The Commission may frame necessary rules for the implementation of this Act.

(2) The Commission shall have to get the approval of the Government of Nepal, Ministry of Finance, while making rules pursuant to subsection (1), on matters that impose financial burden or liability on the Government of Nepal.

(3) The rules made pursuant to sub-section (1) shall come into force, from the date of publication in the Nepal Gazette.

25. **Power to frame Directives:** The Commission may, subject to this Act or rules framed under this Act, issue directives to conduct or cause to conduct the smooth operation of its work.

Schedule

(Related to Section 17)

Oath

I (name of the oath taker) hear-by swear to remain fully loyal to the country and people. Take an oath in the name of the God/Country and people that I shall remain loyal to the Constitution of Nepal that vests ruling power of Nepal and sovereignty in the Nepali people, being in the post of shall discharge the duties assigned to me in accordance to the the laws in force, for the best interest of the nation and people, without fear, partiality or favor, malice or greed, and that I shall not disclose, in any manner or sign, except as required for the adherence of laws, any matter related with the service which is known to me in course of fulfillment of my obligations, either directly or indirectly at any time, irrespective of whether or not I remain in the service.

Date:

Name:

Signature: